

### REMARKS

We have amended the Title to be more clearly indicative of the invention to which the claims are directed.

#### Prior Art Rejections

The Examiner rejected claims 1, 4-9 and 18 as being unpatentable over EP 0974966 further considered with Nishikawa and all further considered with Lin. The Examiner appears to acknowledge that neither EP 0974966 nor Nishikawa disclose "a counter for counting execution of recording data on the optical disc in units of bits" as recited in independent claims 1 and 9. The Examiner appears to further acknowledge that neither EP 0974966 nor Nishikawa disclose a method including "generating a count value in synchronism with execution of recording data on the optical disk by counting the data in units of bits," as recited in independent claim 18. The Examiner argues however that Lin discloses this feature.

Applicants wish to point out that the present application claims priority to Japanese Application No. 2001-024081 ("the Japanese Application"), filed January 31, 2001. Lin was filed on September 11, 2001, later than January 31, 2001, the earliest priority date of the present application. Applicants are enclosing herewith a certified English translation of the Japanese application. Applicants submit that Lin is disqualified as a prior art reference and request withdrawn of this rejection based on the Japanese Application.

We submit therefore that claims 1, 4-9 and 18 are patentable over the cited prior art.

The Examiner also rejected claims 2, 3, 10-17, 19, and 20 as being unpatentable over the art as applied to claims 1, 4-9 and 18 as discussed above and further in view of Lin. We submit that these dependent claims are patentable for at least the same reasons that independent claims 1, 9, and 18 are patentable. As discussed above, applicants submit that Lin is disqualified as a prior art reference and request withdrawn of this rejection based on the Japanese Application.

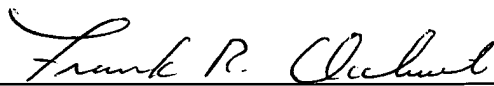
Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket Number 10449-043001.

Applicant : Koji Hayashi et al.  
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Page : 4 of 4

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Respectfully submitted,

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